

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 9-13 and 16-22 were previously pending in the present application. Within the Office Action, Claims 9-13 and 16-22 are rejected.

Summary of Applicant-Initiated Interview

The Applicant thanks the Examiner for conducting an interview with the Applicant's attorney on August 4, 2010. Joseph Weatherbee (64,810) was present at the interview as counsel for the Applicant.

During the interview, the parties first discussed the Applicants' proposed amendment to Claim 1 in view of United States Patent No. 5,915,001 to Uppaluru (hereinafter referred to as "Uppaluru") and United States Patent publication no. 2001/0020242 to Gupta et al. (hereinafter referred to as "Gupta"). Without intending to mischaracterize the substance of the interview, Applicant is of the opinion that the Examiner agreed that the proposed amendment is adequate overcome the rejections under 35 U.S.C. § 103.

Additionally, Mr. Weatherbee indicated the Applicants' desire to expedite prosecution and willingness to discuss any issues arising from this response in a subsequent Examiner-initiated interview. The Examiner replied that he would

contact Mr. Weatherbee in the event that he has any questions or if any objections or rejections arise that may be addressed by Examiner's amendment.

Support for Newly-Added Claim Limitations

During the Applicant-Initiated Interview, Examiner Akintola requested that the Applicant provide an indication of where support for the newly-added claim limitations are found in the originally-filed disclosure.

In the current amendments, the Applicants add the following recitation: "an advertising subsystem configured to selectively provide the user interface with advertisements targeted to particular mobile device users based on selection criteria, wherein the advertising subsystem is configured for setting advertisement selection criteria based on each of user demographics, location demographics, content of an item or service currently said particular mobile device user is currently browsing, and lack of advertisement repetition." Support for this limitation can be found at least at Page 51, Lines 5-15.

The Applicants also add the following recitation: "wherein the advertising subsystem is further configured for querying said database for a list of possible advertisements based on said selection criteria, resulting in potential advertisements; wherein the advertising subsystem is further configured for ordering potential advertisements based on: whether said potential advertisements have been delivered a target minimum number of times; and

whether a desired delivery rate has been achieved for said potential advertisements.” Support for this limitation can be found at least at Page 51, Line 24 through Page 52, Line 11.

Claim Rejections under 35 U.S.C. § 103

Within the Office Action, Claims 9-13 and 16-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No.: 5,915,001 to Uppaluru (hereinafter referred to as “Uppaluru”) in view of United States Patent publication no. 2001/0020242 to Gupta et al. (hereinafter referred to as “Gupta”).

To establish a *prima facie* case of obviousness of a claimed invention, all the claimed features must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The Applicants respectfully traverse this rejection, because neither Uppaluru nor Gupta, either alone or in combination, disclose all of the limitations of Claims 9-13 or 16-22.

More specifically, neither Uppaluru nor Gupta teach or suggest “an advertising subsystem configured to selectively provide the user interface with advertisements targeted to particular mobile device users based on selection criteria, wherein the advertising subsystem is configured for setting advertisement selection criteria based on each of user demographics, location demographics, content of an item or service currently said particular mobile device user is currently browsing, and lack of advertisement repetition; and

wherein the advertising subsystem is further configured for querying said database for a list of possible advertisements based on said selection criteria, resulting in potential advertisements; wherein the advertising subsystem is further configured for ordering potential advertisements based on: whether said potential advertisements have been delivered a target minimum number of times; and whether a desired delivery rate has been achieved for said potential advertisements; wherein the advertising subsystem is further configured for delivering advertisements via said mobile device user interface based on said ordering.”

On page 3 of the Office Action, the Examiner admits that Uppaluru does not involve an advertising subsystem. The Applicants agree.

Also on page 3 of the Office Action, the Examiner cites paragraphs 61-65 of Gupta to allege that he teaches “an advertisement subsystem.” The Applicants disagree. However, for the sole purpose of expediting prosecution, Applicants amend Claims 9-13 and 16-22 to define the distinctions between Applicants invention and a hypothetical combination of Uppaluru and Gupta.

Indeed, Gupta does not explain *how* advertisements are selected and served. On the other hand, Applicants’ enabling description beginning on Page 50, line

24 through Page 62, line 11 explains various embodiments of the invention that describe how advertisements are selected and served.

As explained above, the Applicants' originally-filed disclosure include teachings directed to an advertising subsystem that includes a method for determining what advertisements to play to a specific user and using a unique ratio as the determining factor of how advertisements are ordered. On the other hand, neither Uppaluru nor Gupta address these issues, nor does the Examiner suggest that they do. In fact, as explained above, the Examiner indicated during an applicant-initiated interview that the prior art did not include these limitations.

Indeed, neither Uppaluru nor Gupta teach or suggest this process. On the other hand, Claims 9-13 and 16-22 include the above-mentioned limitation. For at least these reasons, Claims 9-13 and 16-22 are allowable over a hypothetical combination of Uppaluru and Gupta.

CONCLUSION

Applicant respectfully posits that the pending claims have been distinguished from the art of record, and that all objections to and rejections of the claims have been overcome. Accordingly, Applicant respectfully requests allowance. Should the Examiner deem it helpful he is encouraged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael A. Glenn', with a long horizontal line extending to the right.

Michael A. Glenn

Reg. No. 30,176

Customer No. 22862